

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT, EASTERN DIVISION AT:
MONTGOMERY, ALABAMA**

U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

GENE COGGINS Pro st
1436 COUNTY ROAD #299
LANETT, AL 36863
Plaintiff

v;

CRIMINAL ACTION NO. 3:07cv1028-WKW

JERRY THROWER and
CITY OF LANETT
Defendants

MOTION TO PROCEED IN FORMA PAUPERIS

COMES NOW, THE PLAINTIFF, GENE COGGINS, WITH THIS MOTION TO PROCEED IN FORMA PAUPERIS IN SUPPORT OF PROCEEDINGS WITHOUT BEING REQUIRED TO PRE-PAY ANY FEES,, COST OR GIVE SECURITY IN ANY FORM THEREFOR, AS FOUND IN THE DUE PROCESS OF LAW IN THE UNITED STATES CONSTITUTION AS A GUARANTEED RIGHT TO EVERY CITIZEN. AGAIN IN FEDERAL R. APP P. 24.. THESE GUARANTEED RIGHTS CANNOT BE DENIED OR USED IN ANY WAY TO STOPP THIS PROCEDURE, BY ANY COURT OR JUDGE.

Gene Coggins
GENE COGGINS.

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS**

I, GENE COGGINS, AM THE PETITIONER IN THE ABOVE ENTITLED CASE. IN SUPPORT OF MY MOTION TO PROCEED WITHOUT BEING REQUIRED TO PREPAY FEES, COST OR GIVE SECURITY THEREOF, I STATE THAT BECAUSE OF MY POVERTY I AM UNABLE TO PAY THE COST OF THIS CASE OR TO GIVE SECURITY THEREOF, AND I BELIEVE I AM ENTITLED TO REDRESS. I FURTHER SWEAR THAT THE RESPONSES I HAVE MADE TO THE QUESTIONS AND INSTRUCTIONS BELOW RELATING TO MY ABILITY TO PAY THE COST OF PROCEEDING IN THIS COURT ARE TRUE.

1. ARE YOU PRESENTLY EMPLOYED? YES NO X RETIRED
 - a. IF THE ANSWER IS YES, STATE THE AMOUNT OF YOUR SALARY OR WAGES PER MONTH AND GIVE THE NAME AND ADDRESS OF YOUR EMPLOYER.
 - b. if the answer is no, state the date of your last employment and the amount of salary or wages per month you received.

Retired as legal assistant for Mr. Charles Reynolds Attorney, of Alexander City, Al, at his death in November of 1995, salary of \$800.00 per month.
2. HAVE YOU RECEIVED WITHIN THE PAST TWELVE MONTHS ANY INCOME FROM A BUSINESS, PROFESSION, OR ANY OTHER FORM OF SELF-EMPLOYMENT, OR IN THE FORM OF RENT PAYMENTS, INTEREST, DIVIDENDS, OR OTHER SOURCES. YES NO X .
 - a. IF THE ANSWER IS YES, DESCRIBE EACH SOURCE OF INCOME AND STATE THE AMOUNT RECEIVED FROM EACH DURING THE PAST TWELVE MONTHS.
 - b. I DRAW ONLY SOCIAL SECURITY A \$442.00 PER MONTH.
3. DO YOU OWN ANY CASH OR HAVE A CHECKING ACCOUNT? YES X NO .
 - a. if the answer is yes, state the total value of items owned.. Presently a minus of \$1,148.63 in my overdraft protection account.
4. DO YOU OWN ANY REAL ESTATE, STOCK, NOTES, AUTOMOBILES, OR OTHER VALUABLE PROPERTY (excluding ordinary household furnishings and clothing). YES NO X .
 - a. IF THE ANSWER IS YES, STATE THE TOTAL APPROXIMATE VALUE OF THE ITEMS, AND DESCRIBE THE PROPERTY OWNED.
5. LIST THE PERSONS WHO DEPEND UPON YOU FOR SUPPORT AND STATE THE RELATIONSHIP TO THOSE PERSONS. NO ONE, FOR I LIVE WITH MY WIFE IN HER HOUSE AND SHE LIVES ON SOCIAL SECURITY ALSO.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.. EXECUTED ON THIS: MARCH 31, 2007


GENE COGGINS Pg 2

CERTIFICATE OF SERVICE

I, HEREBY CERTIFY THAT UPON THIS DATE, I HAVE PLACED IN THE UNITED STATES MAIL WITH PROPER POSTAGE AND SENT TO LAST KNOWN ADDRESS OF DEFENDANTS, A COPY OF THIS FOREGOING ACTION, OR COUNSEL, OF RECORDS AND IN COMPLIANCE WITH FEDERAL RULE 30 (g), C. P. OF COURT..

DONE THIS 16 DAY OF NOVEMBER, 2007

Gene Coggins
GENE COGGINS